

26 facilities used by schools of success; requiring
 27 districts to annually provide a list of underutilized,
 28 vacant or surplus property to the Department of
 29 Education; providing that schools of success shall be
 30 funded through the Florida Education Finance Program;
 31 establishing additional funding sources and guidelines
 32 for eligible expenditures; providing mechanism to
 33 address noncompliance; specifying enforcement
 34 authority for the State Board of Education; providing
 35 the state board with rulemaking authority; creating s.
 36 1001.291, F.S.; establishing schools of success
 37 revolving loan program; providing criteria for
 38 administration of the program; providing for
 39 severability; providing an effective date.

40

41 Be It Enacted by the Legislature of the State of Florida:

42

43 Section 1. Subsections (18) and (21) of section 1001.42,
 44 Florida Statutes, are amended to read:

45 1001.42 Powers and duties of district school board.—The
 46 district school board, acting as a board, shall exercise all
 47 powers and perform all duties listed below:

48 (18) IMPLEMENT SCHOOL IMPROVEMENT AND ACCOUNTABILITY.—
 49 Maintain a system of school improvement and education
 50 accountability as provided by statute and State Board of

51 Education rule. This system of school improvement and education
 52 accountability shall be consistent with, and implemented
 53 through, the district's continuing system of planning and
 54 budgeting required by this section and ss. 1008.385, 1010.01,
 55 and 1011.01. This system of school improvement and education
 56 accountability shall comply with the provisions of ss. 1008.33,
 57 1008.34, 1008.345, and 1008.385 and include the following:

58 (a) School improvement plans.—

59 ~~1.~~ The district school board shall annually approve and
 60 require implementation of a new, amended, or continuation school
 61 improvement plan for each school in the district which has a
 62 school grade of "D" or "F;" ~~. If a school has a significant gap~~
 63 in achievement on statewide, standardized assessments
 64 administered pursuant to s. 1008.22 by one or more student
 65 subgroups, as defined in the federal Elementary and Secondary
 66 Education Act (ESEA), 20 U.S.C. s. 6311(b)(2)(C)(v)(II); has not
 67 significantly increased the percentage of students passing
 68 statewide, standardized assessments; has not significantly
 69 increased the percentage of students demonstrating Learning
 70 Gains, as defined in s. 1008.34 and as calculated under s.
 71 1008.34(3)(b), who passed statewide, standardized assessments;
 72 or has significantly lower graduation rates for a subgroup when
 73 compared to the state's graduation rate, that school's
 74 improvement plan shall include strategies for improving these
 75 results. The state board shall adopt rules establishing

76 thresholds and for determining compliance with this
 77 subparagraph.

78 ~~2. A school that includes any of grades 6, 7, or 8 shall~~
 79 ~~include annually in its school improvement plan information and~~
 80 ~~data on the school's early warning system required under~~
 81 ~~paragraph (b), including a list of the early warning indicators~~
 82 ~~used in the system, the number of students identified by the~~
 83 ~~system as exhibiting two or more early warning indicators, the~~
 84 ~~number of students by grade level that exhibit each early~~
 85 ~~warning indicator, and a description of all intervention~~
 86 ~~strategies employed by the school to improve the academic~~
 87 ~~performance of students identified by the early warning system.~~
 88 ~~In addition, a school that includes any of grades 6, 7, or 8~~
 89 ~~shall describe in its school improvement plan the strategies~~
 90 ~~used by the school to implement the instructional practices for~~
 91 ~~middle grades emphasized by the district's professional~~
 92 ~~development system pursuant to s. 1012.98(4)(b)9.~~

93 (b) Early warning system.-

94 1. A school that serves any students in kindergarten
 95 through grade ~~includes any of grades 6, 7, or 8~~ shall implement
 96 an early warning system to identify students in such grades ~~6,~~
 97 ~~7,~~ and ~~8~~ who need additional support to improve academic
 98 performance and stay engaged in school. The early warning system
 99 must include the following early warning indicators:

100 a. Attendance below 90 percent, regardless of whether

101 absence is excused or a result of out-of-school suspension.

102 b. One or more suspensions, whether in school or out of
103 school.

104 c. Course failure in English Language Arts or mathematics
105 during any grading period.

106 d. A Level 1 score on the statewide, standardized
107 assessments in English Language Arts or mathematics or, for
108 students in kindergarten through grade 3, a substantial reading
109 deficiency as provided in s. 1008.25(5) (a).

110
111 A school district may identify additional early warning
112 indicators for use in a school's early warning system. The
113 system must also include data on the number of students
114 identified by the system as exhibiting two or more early warning
115 indicators, the number of students by grade level that exhibit
116 each early warning indicator, and a description of all
117 intervention strategies employed by the school to improve the
118 academic performance of students identified by the early warning
119 system.

120 2. A school-based team responsible for implementing the
121 requirements of this paragraph shall monitor the data from the
122 early warning system. The team may include a school
123 psychologist. When a student exhibits two or more early warning
124 indicators, the team, in consultation with the student's parent,
125 shall ~~school's child study team under s. 1003.02 or a school-~~

126 ~~based team formed for the purpose of implementing the~~
 127 ~~requirements of this paragraph shall convene to determine~~
 128 ~~appropriate intervention strategies for the student~~ unless the
 129 student is already being served by an intervention program at
 130 the direction of a school-based, multidisciplinary team. Data
 131 and information relating to a student's early warning indicators
 132 must be used to inform any intervention strategies provided to
 133 the student ~~The school shall provide at least 10 days' written~~
 134 ~~notice of the meeting to the student's parent, indicating the~~
 135 ~~meeting's purpose, time, and location, and provide the parent~~
 136 ~~the opportunity to participate.~~

137 (21) ~~AUTHORITY TO DECLARE AN~~ EDUCATIONAL ~~EMERGENCY.-Shall~~
 138 ~~May declare an emergency in cases in which one or more schools~~
 139 ~~in the district are failing or are in danger of failing and~~
 140 ~~negotiate special provisions of its contract with the~~
 141 ~~appropriate bargaining units to free these schools~~ with a school
 142 grade of "D" or "F" from contract restrictions that limit the
 143 school's ability to implement programs and strategies needed to
 144 improve student performance. The negotiations shall result in a
 145 memorandum of understanding that addresses the selection,
 146 placement, and expectations of instructional personnel and
 147 school administrators. For purposes of this subsection, an
 148 educational emergency exists in a school district if one or more
 149 schools in the district have a school grade of "D" or "F."

150

151 Section 2. Subsections (3), (4), and (5) of section
 152 1008.33, Florida Statutes, are amended to read:
 153 1008.33 Authority to enforce public school improvement.—
 154 (3) (a) The academic performance of all students has a
 155 significant effect on the state school system. Pursuant to Art.
 156 IX of the State Constitution, which prescribes the duty of the
 157 State Board of Education to supervise Florida's public school
 158 system, the state board shall equitably enforce the
 159 accountability requirements of the state school system and may
 160 impose state requirements on school districts in order to
 161 improve the academic performance of all districts, schools, and
 162 students based upon the provisions of the Florida K-20 Education
 163 Code, chapters 1000-1013; the federal ESEA and its implementing
 164 regulations; and the ESEA flexibility waiver approved for
 165 Florida by the United States Secretary of Education.
 166 (b) ~~Beginning with the 2011-2012 school year, the~~ The
 167 Department of Education shall annually identify each public
 168 school in need of intervention and support to improve student
 169 academic performance. All schools earning a grade of "D" or "F"
 170 pursuant to s. 1008.34 are schools in need of intervention and
 171 support.
 172 (c) The state board shall adopt by rule a differentiated
 173 matrix of intervention and support strategies for assisting
 174 traditional public schools identified under this section and
 175 rules for implementing s. 1002.33(9) (n), relating to charter

176 schools. The intervention and support strategies must address
177 student performance and may include improvement planning,
178 leadership quality improvement, educator quality improvement,
179 professional development, curriculum alignment and pacing, and
180 the use of continuous improvement and monitoring plans and
181 processes. In addition, the state board may prescribe reporting
182 requirements to review and monitor the progress of the schools.
183 The rule must define the intervention and support strategies for
184 school improvement for schools earning a grade of "D" or "F" and
185 the roles for the district and department. ~~The rule shall~~
186 ~~differentiate among schools earning consecutive grades of "D" or~~
187 ~~"F," or a combination thereof, and provide for more intense~~
188 ~~monitoring, intervention, and support strategies for these~~
189 ~~schools.~~

190 (4) (a) The state board shall apply intensive ~~the most~~
191 ~~intense~~ intervention and support strategies to schools earning a
192 grade of "D" or "F." In the first full school year after a
193 school initially earns a grade of "D" or "F," the school
194 district must immediately implement intervention and support
195 strategies prescribed in rule under paragraph (3) (c), ~~select a~~
196 ~~turnaround option from those provided in subparagraphs (b)1.~~
197 ~~45., and submit a plan for implementing the turnaround option to~~
198 and, by September 1, provide the department with the memorandum
199 of understanding negotiated in accordance with s. 1001.42 (21)
200 and a district managed turnaround plan for approval by the state

201 board. Upon approval by the state board, the school district
 202 must implement the plan for the remainder of the school year and
 203 continue for one full school year. The state board may allow a
 204 school an additional year of implementation before the school
 205 must implement a turnaround option required by paragraph (b) if
 206 it determines that the school is likely to improve to a "C" or
 207 higher after the first full school year of implementation. ~~For~~
 208 ~~approval by the state board. Upon approval by the state board,~~
 209 ~~the turnaround option must be implemented in the following~~
 210 ~~school year.~~

211 ~~(b) The turnaround options available to a school district~~
 212 ~~to address a~~ Unless an additional year of implementation is
 213 provided pursuant to paragraph (a), a school that earns a three
 214 consecutive grades below a "C" grade of "F" must implement one
 215 of the followingare:

- 216 ~~1. Convert the school to a district-managed turnaround~~
 217 ~~school;~~
- 218 2~~1~~. Reassign students to another school and monitor the
 219 progress of each reassigned student;
- 220 3~~2~~. Close the school and reopen the school as one or more
 221 charter schools, each with a governing board that has a
 222 demonstrated record of effectiveness; or
- 223 4~~3~~. Contract with an outside entity that has a
 224 demonstrated record of effectiveness to operate the school.
 225

226 ~~or~~
 227 5. ~~Implement a hybrid of turnaround options set forth in~~
 228 ~~subparagraphs 1.-4. or other turnaround models that have a~~
 229 ~~demonstrated record of effectiveness.~~

230 (c) ~~A school earning a grade of "F" shall have a planning~~
 231 ~~year followed by 2 full school years to implement the initial~~
 232 ~~turnaround option selected by the school district and approved~~
 233 ~~by the state board. Implementation of the turnaround option is~~
 234 ~~no longer required if the school improves to a "C" or higher by~~
 235 ~~at least one letter grade.~~

236 (d) ~~A school earning a grade of "F" that improves its~~
 237 ~~letter grade must continue to implement strategies identified in~~
 238 ~~its school improvement plan pursuant to s. 1001.42(18)(a). The~~
 239 ~~department must annually review implementation of the school~~
 240 ~~improvement plan for 3 years to monitor the school's continued~~
 241 ~~improvement.~~

242 (e) If a school earning a grade of "D" or "F" does not
 243 improve by to a "C" or higher ~~at least one letter grade~~ after 2
 244 full school years of implementing the turnaround option selected
 245 by the school district under paragraph (b), the school district
 246 must ~~select a different option and~~ implement ~~submit~~ another
 247 turnaround option ~~implementation plan to the department for~~
 248 ~~approval by the state board.~~ Implementation of the turnaround
 249 option ~~approved plan~~ must begin the school year following the
 250 implementation period of the existing turnaround option, unless

251 the state board determines that the school is likely to improve
 252 to a "C" or higher ~~a letter grade~~ if additional time is provided
 253 to implement the existing turnaround option.

254
 255 ~~(5) A school that earns a grade of "D" for 3 consecutive~~
 256 ~~years must implement the district-managed turnaround option~~
 257 ~~pursuant to subparagraph (4)(b)1. The school district must~~
 258 ~~submit an implementation plan to the department for approval by~~
 259 ~~the state board.~~

260 Section 3. Paragraph (d) of subsection (6) of section
 261 1008.345, Florida Statutes, is amended to read:

262 1008.345 Implementation of state system of school
 263 improvement and education accountability.-

264 (6)

265 (d) The commissioner shall assign a community assessment
 266 team to each school district or governing board with a school
 267 that earned a grade of "D" or "F" ~~or three consecutive grades of~~
 268 ~~"D"~~ pursuant to s. 1008.34 to review the school performance data
 269 and determine causes for the low performance, including the role
 270 of school, area, and district administrative personnel. The
 271 community assessment team shall review a high school's
 272 graduation rate calculated without high school equivalency
 273 diploma recipients for the past 3 years, disaggregated by
 274 student ethnicity. The team shall make recommendations to the
 275 school board or the governing board and to the State Board of

276 | Education based on the interventions and support strategies
277 | identified pursuant to subsection (5) to ~~which~~ address the
278 | causes of the school's low performance and for incorporation ~~and~~
279 | ~~may be incorporated~~ into the school improvement plan. The
280 | assessment team shall include, but not be limited to, a
281 | department representative, parents, business representatives,
282 | educators, representatives of local governments, and community
283 | activists, and shall represent the demographics of the community
284 | from which they are appointed.

285 | Section 4. Paragraph (n) of subsection (9) of section
286 | 1002.33, Florida Statutes, is amended to read:

287 | 1002.33 Charter schools.—

288 | (9) CHARTER SCHOOL REQUIREMENTS.—

289 | (n)1. The director and a representative of the governing
290 | board of a charter school that has earned a grade of "D" or "F"
291 | pursuant to s. 1008.34 shall appear before the sponsor to
292 | present information concerning each contract component having
293 | noted deficiencies. The director and a representative of the
294 | governing board shall submit to the sponsor for approval a
295 | school improvement plan to raise student performance. Upon
296 | approval by the sponsor, the charter school shall begin
297 | implementation of the school improvement plan. The department
298 | shall offer technical assistance and training to the charter
299 | school and its governing board and establish guidelines for
300 | developing, submitting, and approving such plans.

301 2.a. If a charter school earns three consecutive grades
 302 below a "C" ~~of "D," two consecutive grades of "D" followed by a~~
 303 ~~grade of "F," or two nonconsecutive grades of "F" within a 3-~~
 304 ~~year period,~~ the charter school governing board shall choose one
 305 of the following corrective actions:

306 (I) Contract for educational services to be provided
 307 directly to students, instructional personnel, and school
 308 administrators, as prescribed in state board rule;

309 (II) Contract with an outside entity that has a
 310 demonstrated record of effectiveness to operate the school;

311 (III) Reorganize the school under a new director or
 312 principal who is authorized to hire new staff; or

313 (IV) Voluntarily close the charter school.

314 b. The charter school must implement the corrective action
 315 in the school year following receipt of a third consecutive
 316 grade below a "C" ~~of "D," a grade of "F" following two~~
 317 ~~consecutive grades of "D," or a second nonconsecutive grade of~~
 318 ~~"F" within a 3-year period.~~

319 c. The sponsor may annually waive a corrective action if
 320 it determines that the charter school is likely to improve a
 321 letter grade if additional time is provided to implement the
 322 intervention and support strategies prescribed by the school
 323 improvement plan. Notwithstanding this sub-subparagraph, a
 324 charter school that earns a second consecutive grade of "F" is
 325 subject to subparagraph 3.4.

326 d. A charter school is no longer required to implement a
327 corrective action if it improves to a "C" or higher ~~by at least~~
328 ~~one letter grade~~. However, the charter school must continue to
329 implement strategies identified in the school improvement plan.
330 The sponsor must annually review implementation of the school
331 improvement plan to monitor the school's continued improvement
332 pursuant to subparagraph 5.

333 e. A charter school implementing a corrective action that
334 does not improve to a "C" or higher ~~by at least one letter grade~~
335 after 2 full school years of implementing the corrective action
336 must select a different corrective action. Implementation of the
337 new corrective action must begin in the school year following
338 the implementation period of the existing corrective action,
339 unless the sponsor determines that the charter school is likely
340 to improve to a "C" or higher ~~a letter grade~~ if additional time
341 is provided to implement the existing corrective action.
342 Notwithstanding this sub-subparagraph, a charter school that
343 earns a second consecutive grade of "F" while implementing a
344 corrective action is subject to subparagraph 3. ~~4.~~

345 ~~3. A charter school with a grade of "D" or "F" that~~
346 ~~improves by at least one letter grade must continue to implement~~
347 ~~the strategies identified in the school improvement plan. The~~
348 ~~sponsor must annually review implementation of the school~~
349 ~~improvement plan to monitor the school's continued improvement~~
350 ~~pursuant to subparagraph 5.~~

351 4. A charter school's charter contract is automatically
 352 terminated if the school earns two consecutive grades of "F"
 353 after all school grade appeals are final unless:

354 a. The charter school is established to turn around the
 355 performance of a district public school pursuant to s.
 356 1008.33(4)(b)3. Such charter schools shall be governed by s.
 357 1008.33;

358 b. The charter school serves a student population the
 359 majority of which resides in a school zone served by a district
 360 public school subject to s. 1008.33(4) ~~that earned a grade of~~
 361 ~~"F" in the year before the charter school opened~~ and the charter
 362 school earns at least a grade of "D" in its third year of
 363 operation. The exception provided under this sub-subparagraph
 364 does not apply to a charter school in its fourth year of
 365 operation and thereafter; or

366 c. The state board grants the charter school a waiver of
 367 termination. The charter school must request the waiver within
 368 15 days after the department's official release of school
 369 grades. The state board may waive termination if the charter
 370 school demonstrates that the Learning Gains of its students on
 371 statewide assessments are comparable to or better than the
 372 Learning Gains of similarly situated students enrolled in nearby
 373 district public schools. The waiver is valid for 1 year and may
 374 only be granted once. Charter schools that have been in
 375 operation for more than 5 years are not eligible for a waiver

376 | under this sub-subparagraph.

377 |
 378 | The sponsor shall notify the charter school's governing board,
 379 | the charter school principal, and the department in writing when
 380 | a charter contract is terminated under this subparagraph. The
 381 | letter of termination must meet the requirements of paragraph
 382 | (8) (c). A charter terminated under this subparagraph must follow
 383 | the procedures for dissolution and reversion of public funds
 384 | pursuant to paragraphs (8) (e)-(g) and (9) (o).

385 | 5. The director and a representative of the governing
 386 | board of a graded charter school that has implemented a school
 387 | improvement plan under this paragraph shall appear before the
 388 | sponsor at least once a year to present information regarding
 389 | the progress of intervention and support strategies implemented
 390 | by the school pursuant to the school improvement plan and
 391 | corrective actions, if applicable. The sponsor shall communicate
 392 | at the meeting, and in writing to the director, the services
 393 | provided to the school to help the school address its
 394 | deficiencies.

395 | 6. Notwithstanding any provision of this paragraph except
 396 | sub-subparagraphs 4.a.-c., the sponsor may terminate the charter
 397 | at any time pursuant to subsection (8).

398 | Section 5. Effective upon becoming law, Section 1002.333,
 399 | Florida Statutes, is created to read:

400 | 1002.333 - PERSISTENTLY LOW-PERFORMING SCHOOLS

401 (1) DEFINITIONS - As used in this section, the term:

402 (a) "success operator" means an entity identified by the
 403 department pursuant to subsection (2).

404 (b) "School of Success" means a charter school operated by
 405 a success operator to serve students from one or more
 406 persistently low-performing schools and that is located in the
 407 attendance zone of a persistently low-performing school or
 408 within a five mile radius of such school, whichever is greater.

409 (c) "Persistently low-performing school" means a school
 410 that has been subject to a differentiated matrix of intervention
 411 and support strategies for more than three years and schools
 412 that were closed pursuant to s. 1008.33(4) within two years of
 413 submission of a notice of intent.

414 (2) SUCCESS OPERATOR - A success operator is a nonprofit
 415 organization with tax exempt status under s. 501(c)(3) of the
 416 Internal Revenue Code that operates 3 or more charter schools
 417 serving students in K-12 in Florida or other states with a
 418 record of serving students from low-income families and is
 419 designated by the State Board of Education as a success operator
 420 based on a determination that:

421 (a) The past performance of the operator meets or exceeds
 422 the following criteria:

423 1. The student achievement exceeds the district and state
 424 averages in the states in which the schools operate;

425 2. The average college attendance rate at all schools

426 currently operated by the entity exceeds eighty percent, if
427 available;

428 3. The percentage of students enrolled at all schools
429 currently operated by the entity eligible for a free or reduced
430 price lunch under the Richard B. Russell National School Lunch
431 Act exceeds seventy percent;

432 4. The operator is in good standing with the authorizer
433 in each state in which it operates;

434 5. The audited financial statements of the operator are
435 free of material exceptions and "going concern" issues; and

436 6. Other outcome measures as determined by the state
437 board;

438 (b) The operator was awarded a United States Department of
439 Education Charter School Program grant for Replication and
440 Expansion of High-Quality Charter Schools, within the preceding
441 three years before applying to be a Success Operator; or

442 (c) The operator receives funding through the National
443 Fund or Regional Fund of the Charter School Growth Fund to
444 accelerate the growth of the nation's best charter schools.

445 (d) The operator was selected by a district school board in
446 accordance with s. 1008.33.

447
448 An entity that meets the requirements of paragraph (b) or (c)
449 prior to the adoption of measurable criteria pursuant to
450 paragraph (a) shall be designated as a success operator.

451 (3) Initial status as a success operator is valid for 5
452 years from the opening of a school of success. If a success
453 operator seeks renewal of its status, such renewal shall solely
454 be based upon the academic and financial performance of all
455 Florida schools established by the operator since its initial
456 designation.

457 (4) ESTABLISHMENT OF SCHOOLS OF SUCCESS - A success
458 operator may submit a notice of intent to open a school of
459 success with the school district in which a persistently low-
460 performing school has been identified by the state board
461 pursuant to subsection (10).

462 (a) The notice of intent must include:

- 463 1. Academic focus and plan;
464 2. Financial plan;
465 3. Goals and objectives for increasing student achievement
466 for the students from low-income families;
467 4. A completed or planned community outreach plan;
468 5. Organizational history of success in working with
469 students with similar demographics;
470 6. Grade levels to be served and enrollment projections;
471 7. Proposed location or geographic area proposed for the
472 school and its proximity to the persistently low-performing
473 school; and
474 8. Staffing plan.

475 (b) Notwithstanding the requirements of s. 1002.33, a

476 school district shall enter into a performance based agreement
 477 with a success operator to open schools to serve students from
 478 persistently low-performing schools.

479 (5) PERFORMANCE BASED AGREEMENT - The following components
 480 comprise the entirety of the performance based agreement:

481 (a) The Notice of Intent which is incorporated by
 482 reference and attached to the agreement.

483 (b) The location or geographic area proposed for the
 484 schools of success and their proximity to the persistently low-
 485 performing school.

486 (c) An enumeration of the grades to be served in each year
 487 of the agreement and whether the school will serve children in
 488 school readiness or prekindergarten.

489 (d) A plan of actions and specific milestones for student
 490 recruitment and enrollment of students from persistently low-
 491 performing schools; the plan of actions includes enrollment
 492 preferences and procedures for conducting transparent admissions
 493 lotteries that are open to the public. Students from
 494 persistently low-performing schools shall be exempt from any
 495 enrollment lottery to the extent permitted by federal grant
 496 requirements.

497 (e) A delineation of the current incoming baseline
 498 standard of student academic achievement, the outcomes to be
 499 achieved, and the method of measurement that will be used.

500 (f) A description of the methods of involving parents and

501 expected levels for such involvement.

502 (g) The grounds for termination, including failure to meet
 503 the requirements for student performance established pursuant to
 504 paragraph (e), generally accepted standards of fiscal
 505 management, or material violation of terms of the agreement. The
 506 nonrenewal or termination of a performance based agreement must
 507 comply with the requirements of s. 1002.33(8).

508 (h) A provision allowing the success operator to open
 509 additional schools to serve students in or zoned for a
 510 persistently low-performing school if the success operator
 511 maintains its status in accordance with s. 1002.333(3).

512 (i) A provision establishing the initial term as five
 513 years. The agreement shall be renewed, upon the request of the
 514 success operator, unless the school fails to meet the
 515 requirements for student performance established pursuant to
 516 paragraph (e) or generally accepted standards of fiscal
 517 management, or the school of success materially violates the law
 518 or the terms of the agreement.

519 (j) A requirement to provide transportation consistent
 520 with the requirements of subpart I.E. of chapter 1006 and s.
 521 1012.45. The governing body of the school of success may provide
 522 transportation through an agreement or contract with the
 523 district school board, a private provider, or parents.
 524 Transportation shall not be a barrier to equal access for all
 525 students residing within reasonable distance of the school.

526 (k) A requirement that any arrangement entered into to
 527 borrow or otherwise secure funds for the school of success from
 528 a source other than the state or a school district shall
 529 indemnify the state and the school district from any and all
 530 liability, including, but not limited to, financial
 531 responsibility for the payment of the principal or interest.

532 (l) A provision that any loans, bonds, or other financial
 533 agreements are not obligations of the state or the school
 534 district but are obligations of the school of success and are
 535 payable solely from the sources of funds pledged by such
 536 agreement.

537 (m) A prohibition on the pledge of credit or taxing power
 538 of the state or the school district.

539 (6) STATUTORY AUTHORITY OF SCHOOLS OF SUCCESS-

540 (a) A school of success may be designated as a local
 541 educational agency, if requested, for the purposes of receiving
 542 federal funds and, in doing so, accept the full responsibility
 543 for all local education agency requirements and the schools for
 544 which it will perform local education agency responsibilities.
 545 Students enrolled in a school established by a success operator
 546 designated as a local educational agency are not eligible
 547 students for purposes of calculating the district grade pursuant
 548 to s. 1008.34(5).

549 (b) For the purposes of tort liability, the success
 550 operator, the school of success, and its employees or agents

551 shall be governed by s. 768.28. The sponsor shall not be liable
552 for civil damages under state law for the employment actions, or
553 personal injury, property damage, or death resulting from an act
554 or omission of an operator, the school of success, and its
555 employees or agents.

556 (c) A school of success may be either a private or a public
557 employer. As a public employer, the school of success may
558 participate in the Florida Retirement System upon application
559 and approval as a "covered group" under s. 121.021(34). If a
560 school of success participates in the Florida Retirement System,
561 the school of success employees shall be compulsory members of
562 the Florida Retirement System.

563 (d) A success operator may employ school administrators and
564 instructional personnel who do not meet the requirements of
565 1012.56, so long as the instructional personnel and school
566 administrators are eligible for such employment under s.
567 1012.315.

568 (e) Compliance with s. 1003.03 shall be calculated as the
569 average at the school level.

570 (f) Schools of success operated by a success operator shall
571 be exempt from all statutes in chapters 1000-1013 and all school
572 board policies. However, a success operator shall be in
573 compliance with the following statutes in chapters 1000-1013:

574 1. Those statutes pertaining to the student assessment
575 program and school grading system.

576 2. Those statutes pertaining to student progression and
 577 graduation.

578 3. Those statutes pertaining to the provision of services
 579 to students with disabilities.

580 4. Those statutes pertaining to civil rights, including s.
 581 1000.05, relating to discrimination.

582 5. Those statutes pertaining to student health, safety,
 583 and welfare.

584 6. Those statutes relating to public meetings and
 585 records, public inspection, and criminal and civil penalties
 586 pursuant to s. 286.011. The governing board of a school of
 587 success must hold at least two public meetings per school year
 588 in the school district where the school of success is located.
 589 Any other meetings of the governing board may be held in
 590 accordance with s. 120.54(2)(b)2.

591 7. Those statutes relating to public records pursuant to
 592 chapter 119.

593 8. Those statutes pertaining to the code of ethics for
 594 public officers and employees pursuant to ss. 112.313(2), (3),
 595 (7), and (12) and 112.3143(3).

596 (7) FACILITIES. -

597 (a) A school of success shall utilize facilities which
 598 comply with the Florida Building Code pursuant to chapter 553
 599 except for the State Requirements for Educational Facilities.
 600 Schools of success that utilize school district facilities must

601 comply with the State Requirements for Educational Facilities
602 only if the school district and the success operator have
603 entered into a mutual management plan for the reasonable
604 maintenance of such facilities. The mutual management plan shall
605 contain a provision by which the district school board agrees to
606 maintain the school facilities in the same manner as its other
607 public schools within the district. The local governing
608 authority shall not adopt or impose any local building
609 requirements or site-development restrictions, such as parking
610 and site-size criteria, that are addressed by and more stringent
611 than those found in the State Requirements for Educational
612 Facilities of the Florida Building Code. A local governing
613 authority must treat schools of success equitably in comparison
614 to similar requirements, restrictions, and site planning
615 processes imposed upon public schools. The agency having
616 jurisdiction for inspection of a facility and issuance of a
617 certificate of occupancy or use shall be the local municipality
618 or, if in an unincorporated area, the county governing
619 authority. If an official or employee of the local governing
620 authority refuses to comply with this paragraph, the aggrieved
621 school or entity has an immediate right to bring an action in
622 circuit court to enforce its rights by injunction. An aggrieved
623 party that receives injunctive relief may be awarded reasonable
624 attorney fees and court costs.

625 (b) Any facility, or portion thereof, used to house a

626 school of success shall be exempt from ad valorem taxes pursuant
 627 to s. 196.1983. Library, community service, museum, performing
 628 arts, theatre, cinema, church, Florida College System
 629 institution, college, and university facilities may provide
 630 space to schools of success within their facilities under their
 631 preexisting zoning and land use designations without obtaining a
 632 special exception, rezoning, land use charter, or other
 633 approval.

634 (c) School of success facilities are exempt from
 635 assessments of fees for building permits, except as provided in
 636 s. 553.80; fees for building and occupational licenses; impact
 637 fees or exactions; service availability fees; and assessments
 638 for special benefits.

639 (d) No later than October 1, each school district shall
 640 annually provide to the Department of Education a list of all
 641 underutilized facilities owned or operated by the school
 642 district and all underutilized, vacant, or surplus properties
 643 owned or operated by the school district. A success operator
 644 establishing a school of success may utilize an educational
 645 facility identified in this paragraph, at no cost or at a
 646 mutually agreeable cost not to exceed six hundred dollars per
 647 student. A success operator receiving property pursuant to this
 648 paragraph may not sell or dispose of such property without
 649 written permission of the school district.

650 (e) "Underutilized, vacant, or surplus property" is

651 defined as entire property or portion thereof, with or without
652 improvements, which is not fully used or is used irregularly or
653 intermittently by the school district for instructional or
654 program use.

655 (8) NONCOMPLIANCE. - A school district that does not enter
656 into a performance based agreement within 60 days of receipt of
657 a notice of intent shall reduce the administrative fees withheld
658 pursuant to s. 1002.33(20) to one percent for all charter
659 schools operating in the school district. Upon execution of the
660 performance based agreement, the school district may resume
661 withholding the full amount of administrative fees, but may not
662 recover any fees that would have otherwise accrued during the
663 period of noncompliance. Any charter school that had
664 administrative fees withheld in violation of this subsection may
665 recover attorneys' fees and costs to enforce the requirements of
666 this subsection. A school district subject to the requirements
667 of this section shall file a monthly report detailing the
668 reduction in the amount of administrative fees withheld.

669 (9) FUNDING.

670 (a) Schools of success shall be funded in accordance with
671 s. 1002.33(17).

672 (b) Schools of success shall receive priority in the
673 department's Public Charter School Grant Program competitions.

674 (c) Schools of success shall be considered a charter school
675 for purposes of 1013.62, except charter capital outlay may not

676 be used to purchase real property or for construction of school
 677 facilities.

678 (d) Schools of success shall receive funds from the
 679 "Special Categories: Grants and Aids - Schools of Success" which
 680 is hereby created in addition to the categories enumerated in s.
 681 216.011(1)(c). Eligible expenditures from an appropriation in
 682 the "Special Categories: Grants and Aids - Schools of Success"
 683 shall include:

684 1. Preparing teachers, school leaders, and specialized
 685 instructional support personnel, including costs associated
 686 with:

687 a. Providing professional development; and

688 b. Hiring and compensating teachers, school leaders, and
 689 specialized instructional support personnel for services beyond
 690 the school day and year.

691 2. Acquiring supplies, training, equipment, and educational
 692 materials including developing and acquiring instructional
 693 materials.

694 3. Providing one-time, startup costs associated with
 695 providing transportation to students to and from the charter
 696 school.

697 4. Carrying out community engagement activities, which may
 698 include paying the cost of student and staff recruitment.

699 5. Providing funds to cover the nonvoted ad valorem millage
 700 that would otherwise be required for schools and the required

701 local effort funds calculated pursuant to s. 1011.62 when the
 702 state board enters into an agreement with a success operator
 703 pursuant to subsection (9).

704 (d) If a school of success is not renewed or is terminated,
 705 any unencumbered funds and all equipment and property purchased
 706 with the funds shall revert to the ownership of the state. The
 707 reversion of such equipment, property, and furnishings shall
 708 focus on tangible or irrecoverable costs such as rental or
 709 leasing fees, normal maintenance, and limited renovations. The
 710 reversion of all property secured with grant funds is subject to
 711 the complete satisfaction of all lawful liens or encumbrances.

712 (e) Notwithstanding s. 216.301 and pursuant to s. 216.351,
 713 the balance of any appropriation from the Grants and Aids,
 714 Schools of Success Funding appropriation category which is not
 715 disbursed by June 30 of the fiscal year in which the funds are
 716 appropriated may be carried forward for up to 5 years after the
 717 effective date of the original appropriation.

718 (10) STATE BOARD OF EDUCATION AUTHORITY AND OBLIGATIONS. -
 719 Pursuant to Art. IX of the State Constitution, which prescribes
 720 the duty of the State Board of Education to supervise Florida's
 721 public school system, the state board shall:

722 (a) Publish an annual list of persistently low-performing
 723 schools after the release of preliminary school grades.

724 (b) Adopt a standard notice of intent and performance based
 725 agreement that must be used by success operators and school

726 boards to eliminate regulatory and bureaucratic barriers that
727 delay access to high quality schools for students in
728 persistently low-performing schools.

729 (c) Resolve disputes between a success operator and a
730 school district arising from a performance based agreement or a
731 contract between a charter operator and a school district under
732 the requirements of 1008.33. The Commissioner of Education shall
733 appoint a special magistrate who is a member of the Florida Bar
734 in good standing and who has no less than 5 years' experience in
735 administrative law. The special magistrate shall hold hearings
736 to determine facts relating to the dispute and to render a
737 recommended decision for resolution to the State Board of
738 Education. The recommendation may not alter in any way the
739 provisions of the performance agreement as provided in s.
740 1002.333(5). The special magistrate may administer oaths and
741 issue subpoenas on behalf of the parties to the dispute or on
742 his or her own behalf. Within 15 calendar days after the close
743 of the final hearing, the special magistrate shall transmit a
744 recommended decision to the State Board of Education and to the
745 representatives of both parties by registered mail, return
746 receipt requested. The State Board of Education must approve or
747 reject the recommended decision at its next regularly scheduled
748 meeting that is more than 7 calendar days and no more than 30
749 days after the date the recommended decision is transmitted. The
750 decision by the State Board of Education is a final agency

751 action which may be appealed to the District Court of Appeal,
 752 First District in accordance with s. 120.68. A charter school
 753 may recover attorney's fees and costs if the State Board of
 754 Education determines that the school district unlawfully
 755 implemented or otherwise impeded implementation of the
 756 performance agreement pursuant to this paragraph.

757 (d) Provide students in persistently low-performing schools
 758 with a public school that meets accountability standards. The
 759 state board may enter into a performance based agreement with a
 760 success operator when a school district has not improved the
 761 school through the interventions and support provided by s.
 762 1008.33 or complied with the requirements of subsection (4).
 763 Upon the state board's execution of the performance based
 764 agreement with a success operator, the school district shall
 765 transfer to the school of success the proportionate share of
 766 state funds allocated from the Florida Education Finance
 767 Program.

768 (11) RULES. - The state board shall adopt rules pursuant
 769 to ss. 120.536(1) and 120.54 to implement this section.

770 Section 6. Section 1001.292, Florida Statutes, is created
 771 to read:

772 1001.292 .-SCHOOLS OF SUCCESS REVOLVING LOAN PROGRAM. -

773 (1) The Schools of Success Revolving Loan Program is
 774 established within the department to provide assistance to
 775 success operators to meet school building construction needs and

776 pay for expenses related to the startup of a new charter school.
 777 The program shall consist of money appropriated by the
 778 Legislature, money received from the repayment of loans made
 779 from the program, and interest earned.

780 (2) Funds provided pursuant to this section may not exceed
 781 twenty-five percent of the total cost of the project which shall
 782 be calculated based on eighty percent of the cost per student
 783 station established by s. 1013.64(6)(b) multiplied by the
 784 capacity of the facility.

785 (3) The department may contract with a third-party
 786 administrator to administer the program. If the department
 787 contracts with a third-party administrator, funds shall be
 788 granted to the third-party administrator to create a revolving
 789 loan fund for the purpose of financing projects that meet the
 790 requirements of subsection (4). The third-party administrator
 791 shall report to the department annually. The department shall
 792 continue to administer the program until the third-party
 793 administrator is selected.

794 (4) Success operators that have been designated by the
 795 state board and have executed a performance based agreement
 796 pursuant to s. 1002.333 shall receive a loan up to the amount
 797 provided in subsection (2) for projects that:

798 1. Are located in the attendance area of a persistently
 799 low-performing school or within a five mile radius of such
 800 school; and

801 2. Primarily serve students from the persistently low-
 802 performing school.

803 (5) The department shall post on its website the projects
 804 that have received loans, the geographic distribution of the
 805 projects, the status of the projects, the costs of the program,
 806 and student outcomes.

807 (6) All repayments of principal and interest shall be
 808 returned to the loan fund and made available for loans to other
 809 applicants.

810 (7) Interest on loans provided under this program may be
 811 used to defray the costs of administration and shall be the
 812 lower of:

813 (a) The rate paid on monies held in the fund; or

814 (b) A rate equal to fifty percent of the rate authorized
 815 under the provisions of s. 215.84.

816 (8) Notwithstanding s. 216.301 and pursuant to s. 216.351,
 817 funds appropriated for this purpose which are not disbursed by
 818 June 30 of the fiscal year in which the funds are appropriated
 819 may be carried forward for up to 5 years after the effective
 820 date of the original appropriation.

821 Section 7. If any provision of this act or its application
 822 to any person or circumstance is held invalid, the invalidity
 823 does not affect the remaining provisions or applications of the
 824 act which can be given effect without the invalid provision or
 825 application, and to this end the provisions of this act are

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826 | severable.

827 | Section 8. Except as otherwise expressly provided in this

828 | act, this act shall take effect July 1, 2017.